

**The Organic Seafood Council**  
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**Comment to the National Organic Standards Board  
Aquaculture Working Group Interim Final Report**

Submitted April 10, 2006

Thank you very much for the opportunity to comment to the National Organic Standards Board (NOSB) Aquaculture Working Group Interim Final Report to be reviewed by the NOSB at their April 17-19 meeting. We offer our initial written response in this comment for your consideration. Many of our members will be submitting comments individually as well.

The Organic Seafood Council (OSC) is an organization created to serve as liaison with government regulatory agencies in the United States and internationally and to assist in the analysis and development of effective, science based, just and enforceable organic standards that create policies where environmental protection, food safety and commerce intersect.

Our members are seafood producers with organic certification outside the US, producers interested in qualifying for certification, recognized certifying agencies, organic feed or feed ingredient suppliers, interested non-governmental organizations, consultants, traders and importers, distributors, and retailers.

We would like to express our appreciation for the Aquaculture Working Group's (AWG) diligent completion of meeting the challenges of integrating many multifaceted issues and competing interests into a single document and the dedicated efforts of the National Organic Aquaculture Working Group (NOAWG) that preceded this next step towards standards development.

We also sincerely appreciate the recognition by the NOSB, NOP and USDA of the potential of organic seafood as an emerging new product category. This will benefit the seafood industry at large, organic producers and the world's consumers while promoting conservation of the environment, preservation of ecosystems, protection of bio-diversity and enhanced aquaculture and fishery management policies and practices.

OSC emphasizes the need for prompt deliberation on the part of the NOSB and the NOP as crucial to the rapidly growing organic seafood industry offering consumers a sound, safer, verifiable choice in the marketplace. We urge all parties to act with dispatch and efficiency to move the standards development process forward.

In your request for public comment, you asked for response to the following questions. Our responses below are generalized and are more fully illustrated in our comments by report Section further on.

**Do the recommended standards:**

**1. Communicate effectively?**

Yes, proposals are understandable, well constructed and well organized in regulatory context.

**2. Provide clear and adequate context of scope, product coverage, and production systems?**

The recommendations are subjective and broad, may provide for ease of implementation and are able to be interpreted with flexibility by certifiers and producers, certainly qualities that are favorable in other production systems. In aquaculture, the lack of specificity may be very problematic. The diversity of species-specific production and cultural practices including, feed, living conditions and facilities require more details for certifiers to effectively verify compliance to organic standards across the entire scope of aquaculture.

Requirements for fresh and saltwater fish, finfish and shellfish, warm and cold water fish, micro and macro algae, as well as carnivores, herbivores and omnivores need to be addressed more specifically as they demonstrate major differences and have specific ecological management practices.

This specificity may be best implemented in timely "guidance documents" emerging out of regulations that will add critical detailed attention to the uniqueness of the various aquaculture species without adding the burden of lengthy and cumbersome regulatory development.

**3. Identify and address key stakeholders and their concerns**

## **and challenges?**

Yes, again, with a broad stroke that can be expanded in later recommendations to include all the stakeholders, especially producers of the wide range of aquaculture species, as well as further consideration of consumer expectations.

### **4. Include vision and strategy for achieving consistency with organic principles demonstrated in the Organic Foods Production Act of 1990 and its implementing regulations?**

The report is a heroic effort to address the needs of the aquaculture industry in the context of compliance with the Organic Foods Production Act (OFPA). It's a good place to start. As we mention in specific sections, particularly in reference to feed requirements, compliance with OFPA presents a serious challenge.

### **5. Present measurable objectives that are enforceable?**

As its currently written, we notice many aspects that are not measurable and we have suggested ways that measures may be applied and many that are not enforceable, or not explicitly defined well enough, that would be enforceable in the field, nor is it clear how much of that enforcement would be the certifier's responsibility.

### **6. Present a clear expectation of targets and goals?**

While the report presents a clear outline of the issues that need more clarity, we did not see a clear definition of expectations, targets or goals.

### **7. Suggest a system of production that reduces or minimizes the need for off-farm inputs?**

Achieving independence from off-farm inputs may be extremely difficult in organic aquaculture and are not as feasible as they are in terrestrial agriculture. The questions about regulations for feed point out the complexity of organic systems development for aquaculture and its unique requirements. The concept of off-farm inputs may need reinterpretation specifically for organic aquaculture.

## **Introductory Comments**

### International Harmonization

The OSC strongly recommends that NOP consider and consult with other government agencies, advisory groups, and organizations internationally to encourage harmonious organic aquaculture standards that will facilitate global trade allowing US producers to access markets in other countries with respect for a strict interpretation of OFPA. These discussions will also aid in establishing clear and enforceable standards to which imported products and their NOP accredited certifiers will have to comply.

### Certification of Wild Caught Fish

In the absence of specific recommendations, it is the general consensus of the OSC that fish caught in the wild should not be considered, labeled or sold as certified organic for direct human consumption. We do agree that wild fish be included, as suggested by the AWG report, and in certain circumstances, as an ingredient in feedstocks to be used in the production of organic aquaculture products.

In the absence of specific recommendations for organic certification of wild caught fish, and in regard for compliance with the language in OFPA that requires all organic livestock be fed organically produced feed, and in addition to consideration of the recommendation of the ratio of one pound of wild harvested fish for fish meal and oil to every pound of aquatic animals cultured, we would like to offer for your consideration, an allowance of such wild caught fish and fish by -products to be used as feed in organic aquaculture systems for a period not to exceed five years, at which time, the allowance may be reviewed, reconsidered or adapted for variation.

This will create a temporary *exception* to OFPA, not to be interpreted as a violation, or too liberal an interpretation of OFPA, allowing regulations for organic aquaculture standards to move forward, while consideration of certification of wild caught fish continues to be deliberated, as mandated, or alternative feed sources are identified and made available.

### Inclusion of Standards for Bivalve Molluscan Shellfish

The OSC strongly urges the AWG to continue its work to develop standards for bivalve molluscan shellfish without undue delay and we look forward to a supplemental proposal that will make organic aquaculture standards inclusive of all species and products in this category.

#### **Comments Specific to the AWG Interim Final Report by Section**

##### **Section 205.2 Terms defined.**

The OSC believes that the term "sustainably managed" as referred to in Subsection 205.252(f) regarding wild fisheries from which feed meal may be produced to feed organic aquatic animals should be clearly defined. We support principles of sustainability and suggest that no one marine fisheries certification body should determine sustainability. The OSC encourages the use of research and data gathered by international organizations such as the International Council for the Exploration of the Sea (ICES) and the Food and Agriculture Organization of the United Nations (FAO) as well as other sources, to evaluate and verify sustainability and safe biological limits of wild stock fisheries for fish meal and oil products.

##### **Section 205.250 Aquaculture general**

We have no specific comments to this Section, other than the response to your question No.2 above regarding specificity of standards for the many species and cultural practices included in aquaculture production systems.

##### **Section 205.251 Origin of aquaculture animals**

We agree with the recommendations with the addition to Subsection 205.251(f) that would prohibit the use of hormone treatment, when administered in hatchery water, for sex reversal in broodstock of fish to be sold as organic.

##### **Section 205.252 Aquaculture feed**

###### **Option A**

The OSC endorses Option A as an overall approach to aquaculture feed. However, we feel that more discussion and study is required in the following areas:

Section 205.252(c)

The OSC suggests that the reference to adherence to "high human food safety standards" should be assumed and note that those standards are regulated by other agencies that regulate food safety.

Section 205.252(e)

The Council encourages the use of trimmings and by-products from processed fish for human consumption as a primary source for fishmeal used for organic production in lieu of wild fish caught solely for fishmeal production.

Section 205.252(f)

There are various governmental advisory groups, scientific study groups and governmental regulatory bodies that have studied the fisheries of the world. We believe that this entire body of scientific information must be considered in verification of "sustainable fisheries". Please see our recommendation for the definition of sustainability to be included in Section 205.2 Definitions as stated above.

Section 205.252(g)(1)

In the absence of organic standards for wild caught fish, the proportion of wild caught fish to be used as feed stock as indicated should be reflected in species and culture specific guidelines not proposed as a limiting general regulatory standard.

Section 205.252(j)

Regarding the allowance for meals and oils that include essential fatty acids produced by organically certified microbial processes, it is not clear what "organically certified microbial processes" means. There are no clear standards for organic certification of microbial processes.

Section 205.252(k)

The OSC agrees that levels of unavoidable residual environmental contaminants, including persistent bioaccumulative toxins (PBTs) and mercury, cadmium, lead, arsenic and tin should be comparable to the lowest levels found in commercially available fish meal and fish oil, yet the term "comparable" requires further definition. Additionally, it should be observed that organic aquatic products harvested for human consumption may contain levels and concentrations of environmental contaminants comparable to other organic food products.

Section 205.252(m)

Given the importance of utilizing composted manure in pond aquaculture as an attempt to replicate natural diets for larvae, post-larvae and fingerlings, the OSC recommends that manure from organic terrestrial animals be used when commercially available. Accredited certification agencies may determine such commercial availability based on criteria to be defined and non-organic manure may be used if composted according to the composting procedures described in Section 205.603.

#### Section 205.252 Explanations

The OSC does not support the use of synthetic amino acids or mammalian and poultry slaughter by-products in aquaculture feeds at this time. Other sources of essential amino acids may be available as feed supplements to an effective diet. While the AWG agreed that there is no compelling evidence to prohibit the inclusion of by-products of organic terrestrial animals we object because we believe the organic consumer as well as some retail businesses are unwilling to accept the use of these products.

#### **Section 205.253 Aquaculture health care**

The OSC is in agreement with these provisions in general. We emphasize that species and culture specific guidelines will make them more meaningful and effective.

#### **Section 205.254 Aquaculture living conditions.**

The OSC believes that this is a section where species related and culture determined stocking densities should be indicated. We suggest the use of a matrix similar to the example illustrating the percentage of Total Market Weight in Section 205.251 Origin of aquaculture animals.

#### Section 205.254(b)

Predator control is a crucial matter for all of our producers. Humane treatment of the aquatic animals under our care and the commitment that we have to promoting and protecting biodiversity and the ecological management of our ecosystems require the incorporation of predator deterrence in our individual organic management plans. We support compliance with local laws in this regard. We view the recommendation of compliance with the laws of the United States as un-enforceable and not conducive to international harmonization of organic aquaculture standards. To facilitate

the certification of organic aquaculture operations by accredited foreign certification agencies we suggest that the intent of United States law describing lethal measure be well defined in this Section.

#### **Section 205.255 Aquaculture facilities.**

As noted above in Section 205.253 Aquaculture living conditions, the OSC believes that this is another section where species related and culture determined stocking densities, facilities location, layout and design should be indicated.

##### **Section 205.255(b)**

How water sources should be selected and managed to protect human health should be further defined.

##### **Section 205.255(h)**

Significant impact to freshwater quality should be defined and measures established that set parameters for that impact should be clarified, as well as a method of enforcement explained for this section to be effective.

##### **Section 205.255(m)**

We agree with the proposal of a one-year conversion or transition period and it should be noted that this applies to containment vessels that were previously managed in conventional aquaculture systems.

#### **Section 205.258 Farmed aquatic plants**

The OSC has not expressed any opinion on this section.

#### **Section 205.259 Harvest, transport, post harvest handling, and slaughter of aquatic animals**

The OSC is generally in agreement with these provisions. Again we believe that guidelines for specific species and cultures specific will make them more meaningful and effective.

##### **Section 205.259(g)**

The reference to non-sentient beings is a concept never before addressed in organic standards. We would like to understand the intention of the AWG, how it defines the differences of sentient and non-sentient beings as the terms apply to aquatic animals and how these standards will assume



the presumption of that knowledge.

Section 205.259(h) thru (k)

These provisions do not need to be specifically referenced as they are regulated by other health and safety regulations.

### **Summary**

The Organic Seafood Council appreciates the opportunity of submitting these comments and recommendations. We offer our support and collaboration in the development of effective, rigorous, just and enforceable organic aquaculture standards and invite the AWG, NOSB and NOP to call upon us for our expertise.

Thank you very much.

The Organic Seafood Council  
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